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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,186	10/09/2001	Gregory Jantsch	13543-003001	4489
26161	7590	07/13/2006	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			KIM, AHSHIK	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/973,186

Applicant(s)

JANTSCH, GREGORY

Examiner

Ahshik Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/18/06 (Amendment).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/18/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the amendment filed on April 18, 2006. Currently, claims 1-
5 38 remain in the examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

10 A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 15 3. Claims 1-21, 23, 24, 26-31, and 33-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Graef et al. (US 4,664,369, previously cited, hereinafter “Graef”).

Re claims 1-4, 8-12, 17, 18, 20, 21, 23, 24, 30, 31, and 33-38, Graef teaches a thickness indicator apparatus used in Automated Teller Machine (ATM) (see abstract; col. 2, lines 27+) for detecting double bills when the bills are retrieved from the stack (col. 1, lines 34+; col. 3, lines
20 58+; col. 6, lines 4+). . The thickness detector is comprised of two elongated fingers 50 (or free ends) attached to a wishbone 45 (col. 4, lines 16+; see figure 3). When bills move between the plate 42 and the elongated fingers 50, the elongated fingers are displaced/pushed by the thickness of the bill (col. 4, line 51 – col. 5, line 37).

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Re claim 5, the bill moving path further comprised of a roller 12 and a counter rotating roller 36 (col. 3, lines 36+; col. 3, lines 60+). In case of the bill correctly under the wishbone 45 (figure 12), the wishbone – inductive element is uniformly separated/displaced.

Re claim 6, the thickness of the bill causes wishbone 45 to rotate about the pin 58 in counter clockwise direction (col. 5, lines 9+). Accordingly, the pin is considered a rotational axis.

Re claims 7, 13, 15, and 16, as bills pass between the plate 40 and elongated finger, the target 52 rotates toward the proximity sensor 66 (col. 4, lines 39+), and the sensor generates a voltage signal proportional to the distance between the sensor 66 and the target 52 in inductive manner.

Re claim 14, as shown in figure 1, the elongated finger 50 is connected to a spring-loaded locking means 64 (col. 4, lines 28-38).

Re claims 19 and 26-29, as shown in figure 3, the apparatus is comprised of a housing/frame 15 which houses a bill thickness detecting component (see figure 3; col. 3, lines 36+).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

20 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 22, 25, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graef et al. (US 4,664,369, previously cited).

Although Graef does not explicitly suggests the details of the housing as they are recited in the above-mentioned claims (snap-in bearings and grounding elements comprising braided wire and metal lugs), it is the Examiner's view that Graef shows a box-type of housing which is substantially the same housing Applicant claims.

Response to Arguments

6. Applicant's arguments filed on April 18, 2006 have been carefully reviewed and considered, but they are not persuasive.

"Maintain a uniform separation" is disclosed in figure 12 where the both prongs of the wishbone is displaced equally/uniformly by the currency. Granted that the separation between the sensor and the target varies according to a number of bills passing under the fingers of the wishbone, however, the Examiner was unable to find "uniform separation" Applicant claims in the specification, which Applicant claims distinguishable over the Graef patent. The instant application, on many occasions, refers "double-detect mechanism" (see US 2004/0099725 A1, Paragraphs 0042, 0043, and thereafter). One can imagine, without undue experimentation, that a number of bills going under the fingers 80 and 82 can vary. For example, in case where more than two sheets are passing under the fingers, it is hard to fathom that such case would not be detected as "double." Actual displacement of the fingers in such case would be more than "double" even if they are considered "double."

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Applicant's arguments have been carefully reviewed and considered, but it is the Examiner's opinion that the Graef patent discloses and suggests the subject matter claimed in the instant application. Therefore, the Examiner has made this Office Action final.

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ahshik Kim whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday. The fax number directly to the Examiner is (571)273-2393.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax phone number for this Group is (703)872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

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All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Ahshik Kim
Primary Examiner
Art Unit 2876
July 9, 2006